

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

IN RE:	:	CHAPTER SEVEN
	:	
YVETTE WILLSON	:	BANKRUPTCY NO.: 4-09-bk-02811
THOMAS WILLSON,	:	
	:	
DEBTORS	:	
	:	
ROBERTA A. DeANGELIS	:	{ <b><u>Nature of Proceeding</u></b> : Motion of United
ACTING UNITED STATES TRUSTEE,	:	States Trustee to Dismiss Case Pursuant to
	:	11 U.S.C. § 707(b)(2) or (3) filed July 13,
MOVANT	:	2009 (Doc. #21)}
	:	
vs.	:	
	:	
YVETTE WILLSON	:	
THOMAS WILLSON,	:	
	:	
RESPONDENTS	:	

**OPINION**

Much as in a case under contemporaneous consideration, the United States Trustee has moved to dismiss this Chapter 7 under 11 U.S.C. § 707(b)(2) and 707(b)(3). With regard to the former grounds, the Trustee argues that the Debtor is unable to claim that payments under a nondischargeable student loan represent a “special circumstance” under § 707(b)(2)(B)(i).

I hold that my decision of this date in the case of *In re Womer*, Case No. 1:08-bk-04779 (M.D. Pa. filed April 14, 2010) is dispositive of this issue. See attachment.

Briefly, while I conclude that a nondischargeable student loan can conceivably become a special circumstance under the statute, the Debtors bear the burden of demonstrating that there are no reasonable alternatives but for the present Chapter 7 filing. The record created in this case simply does not go that far. I just do not have the information provided to make a finding as

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to the likely outcome should the Debtors not be eligible for Chapter 7 relief.

For reasons articulated in *In re Womer*, the Motion of the United States Trustee is granted.

By the Court,

A handwritten signature in black ink, appearing to read "John J. Thomas", written over a horizontal line.

Date: April 14, 2010

John J. Thomas, Bankruptcy Judge  
(CMS)

*This opinion is electronically signed and filed on the same date.*